

SECOND REGULAR SESSION

# SENATE BILL NO. 880

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN.

Read 1st time January 11, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5698S.02I

## AN ACT

To repeal section 253.080 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 253.080 as enacted by senate bill no. 1015, ninety-first general assembly, second regular session, RSMo, and to enact in lieu thereof one new section relating to awarding of contracts to operate public concessions within a state park.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 253.080 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 253.080 as enacted by senate bill no. 1015, ninety-first general assembly, second regular session, RSMo, are repealed and one new section enacted in lieu thereof, to be known as section 253.080, to read as follows:

253.080. 1. The director of the department of natural resources may construct, establish and operate suitable public services, privileges, conveniences and facilities on any land, site or object under the department's jurisdiction and control, and may charge and collect reasonable fees for the use of the same. The director may charge reasonable fees for supplying services on state park areas. Any facilities so constructed under this provision shall only be done by appropriated funds.

2. The director may award by contract to any suitable [person, persons, corporation or association] **independent contractor, firm, corporation, individual, or third-party** the right to construct, establish and operate public services, privileges, conveniences and facilities on any land, site or object under the department's control for a period not to exceed twenty-five years with a renewal option, and may supervise and regulate any and all charges and fees of

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

14 operations by private enterprise for supplying services and operating facilities on  
15 state park areas.

16         3. All contracts awarded under this section shall be entered into upon the  
17 basis of competitive sealed bids. A sworn financial statement shall accompany  
18 each bid, and all contracts shall be let by the director at a regular meeting after  
19 public notice of the time of the letting. All bids submitted prior to the opening  
20 of the meeting shall be considered. Advertisements for bids in daily or weekly  
21 newspapers shall be made by the director. **If the director seeks to employ an**  
22 **independent contractor, firm, corporation, individual, or third-party for**  
23 **purpose of operating concessions located within a state park, the**  
24 **director shall give preference to any independent contractor, firm,**  
25 **corporation, individual, or third-party that is a Missouri resident or**  
26 **whose primary place of business is located in Missouri when the**  
27 **performance promised is equal or better, and the price quoted for such**  
28 **services is the same or less, than other competitors.** The director shall  
29 accept the bid most favorable to the state from a responsible and reputable person  
30 but may, for good cause, reject any bid.

31         4. The director shall not enter into a contract or a renewal for a contract  
32 as provided in subsection 2 of this section for a period in excess of ten years  
33 unless the director determines that the extended contract period is necessary to  
34 allow the contractor to make substantial capital or other improvements to the site  
35 subject to the contract and such improvements are of sufficient value to the state  
36 to necessitate the longer contract term.

37         5. A good and sufficient bond conditioned upon the faithful performance  
38 of the contract and compliance with this law shall be required of all contractors,  
39 except that if the contractor states he is unable to provide a bond, the contractor  
40 shall place a cash reserve in an escrow account in an amount proportional to the  
41 volume of the contractor's business on the lands controlled by the department of  
42 natural resources.

43         6. Any person who contracts under this section with the state shall keep  
44 true and accurate records of his receipts and disbursements arising out of the  
45 performance of the contract and shall permit the division of parks and recreation  
46 of the department of natural resources and the state director of revenue to audit  
47 them. The division of parks and recreation of the department of natural  
48 resources and the state director of revenue shall audit the receipts and  
49 disbursement of each contract once every two years and upon the expiration of

50 the contract. For the purpose of subsection 5 of this section and this subsection,  
51 no contract shall be deemed to extend to operations or management in more than  
52 one state park.

53 7. No person shall be permitted to offer or advertise merchandise or other  
54 goods for sale or rental, or to maintain any concession, or use any park facilities,  
55 buildings, trails, roads or other state park property for commercial use except by  
56 written permission or concession contract with the department of natural  
57 resources; except that, the provisions of this subsection shall not apply to the  
58 normal and customary use of public roads by commercial and noncommercial  
59 organizations for the purpose of transporting persons or vehicles, including, but  
60 not limited to, canoes.

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